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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,637	01/30/2001	Erich Harsch	82673-0006	1282

24633 7590 05/06/2002

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EXAMINER

UNDERWOOD, DONALD W

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 05/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/771637

Applicant(s)

Harsch et al

Examiner

Underwood

Group Art Unit

3652

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 01/30/01
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 14-27 is/are pending in the application.
- Of the above claim(s) None is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 14-27 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on 01/17/02 is ☒ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 3652

### DETAILED ACTION

1. The drawing is objected to under 37 CFR 1.83(a) as failing to show and label a work-retaining element (claim 14), first slides and guides (claim 15), a spindle drive with treaded spindle and step-down mechanism (claim 18), a drive on the first slides (claim 21), the parallel racks arranged vertically (claim 24), second slides (claim 25) and a shaft (claim 26). At best a sketch of any proposed drawing change must be filed for review. The introduction of new matter should be guarded against.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 15, 16, 18, 19, 21, 24, 25, 26 and 27 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

It is unclear how the crossmember is mounted on slides and how a rack drive carries out longitudinal, lifting and lowering of the slides.

✓ It is unclear how a spindle drive is used as a transmission element.

Art Unit: 3652

It is unclear how the toothed-belt drive and tooth-belt pulley are connected to drive the crossmember.

It is unclear how a drive is mounted to a slide and connected to the crossmember to pivot the crossmember.

It is unclear how the two parallel racks are arranged vertically and provide longitudinal, lifting and lowering movements.

It is unclear how the first and second slides are correlated to provide longitudinal, lifting and lowering movements and how the toothed belt helps provide this movement, particularly the lifting and lowering movement.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "or the like" in line 2 of claim 14 is unclear rendering the claim indefinite.

Art Unit: 3652

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 14, 17 and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by European patent 672480A1.

Regarding claim 17, note 57 in figure 3 of the reference.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised

Art Unit: 3652

of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett et al in view of Peltier.

It would have been obvious to substitute a drive as taught Peltier for that in Barnett. This would have been an obvious substitution of equivalents and would have provided a fixed drive.

Note applicants are not claiming the press, press line and further the transfer device in Barnett could be used to transfer workpieces between any known work areas.

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett et al in view of Peltier as applied to claim 14 above, and further in view of Handel.

It would have been obvious to provide adjustability to the vertical supports in Handel in view of the teaching in Handel (elements 28).

Art Unit: 3652

11. Any inquiry concerning this communication should be directed to Donald Underwood at telephone number 703-308-1112.

Underwood/dw

April 30, 2002

*Donald W. Underwood 05/06/02*  
DONALD W. UNDERWOOD  
PRIMARY EXAMINER